



September 30, 2005
15891/100



Mr. Tom Turner
Associate Regional Counsel
U.S. Environmental Protection Agency (U.S. EPA)
Office of Regional Counsel (C-14J)
77 W. Jackson Boulevard
Chicago, Illinois 60604

Attention: RRG Clayton Chemical Site (soil removal)

Re: Clayton Chemical Site General Notice of Potential Liability Letter

Dear Mr. Turner:

In response to the above-cited letter, Roesch, Inc. (a small, woman-owned business) does wish to resolve the issue of our potential responsibility in the matter of the contamination discovered at the Clayton Chemical Site. However, having a good understanding and documentation of the type and quantity of materials Roesch sent to Clayton Chemical, we believe our potential responsibility for site contamination to be insignificant. This letter describes our involvement in detail and requests your guidance on further actions, if any, we should take in this matter.

Roesch was classified as a PRP based on Illinois Environmental Protection Agency (IEPA) hazardous waste manifests which indicate that 20,372 gallons of Roesch's waste were sent to Clayton Chemical. A summary of waste transfers from Roesch to the Clayton Chemical Company is presented below and in Table 1 (attached). This waste was in the form of creek water contaminated with diesel fuel from UST incidents.

Year	Total Amount (Gal)	Amount from Wastewater (Gal) (Creek Water Contaminated with Diesel Fuel)	Amount of Pure Product (Diesel Fuel) (Gal)
1988	4,709 (IEPA records)	2,359 (documented in Roesch records from remediation contractor)	2,350 (documented in Roesch records from remediation contractor)
1989	14,863 (IEPA records)	13,387 (Roesch manifests)	1,476 (unaccounted for waste volume)
1992	800 (IEPA records)	0	800 (unaccounted for waste volume)

Totals	20,372	15,746	4,626
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Of the 20,372 gallons of diesel-contaminated wastewater shipped to Clayton Chemical, approximately 4,626 gallons could possibly be pure product (which is probably the worst-case scenario) that could possibly be considered a hazardous waste. This amount is well below the level that would result in the inclusion of Roesch in the PRP group cited in the subject letter.

From what is recalled by Roesch personnel and our consultant, none of the material shipped to Clayton Chemical was manifested as hazardous waste nor was it transported by a licensed hazardous waste hauler. IEPA classifies wastewater from an UST cleanup as a non-hazardous special waste. The diesel-contaminated wastewater was slated for treatment and fuel recovery/recycle. Typically this type of wastewater is sent through an oil/water separator (OWS) with the separated water going to a POTW and the fuel sent to subsequent energy recovery.

During the time of the releases and subsequent cleanups, Roesch and its contractors complied with all applicable environmental regulations to UST releases and their activities were observed, scrutinized, and approved by the IEPA, IEMA, City of Belleville, and the State of Illinois Fire Marshall's office.

In summary, Roesch believes that we should not be included as a PRP in the Clayton Chemical Soil Removal Action for the following reasons:

1. Roesch and the UST remediation contractor did not handle the diesel-contaminated wastewater sent to Clayton Chemical as a hazardous waste because the IEPA classifies wastewater generated through a UST cleanup as a non-hazardous special waste and because it was sent with the intent of recycle/recovery or discharge to a POTW.
2. Roesch did not send any of the target cleanup contaminants to Clayton Chemical in its shipments which including heavy metals, PCBs, and ignitable compounds. The argument could be made that Roesch did send ignitable compounds to Clayton. However, since the diesel-contaminated wastewater from the UST cleanup is classified as a non-hazardous waste, by definition the material cannot possess the characteristic of ignitability.
3. Roesch did not ship greater than 10,000 gallons of diesel fuel that could possibly be considered a hazardous waste. This amount is well below the level that would result in the inclusion of Roesch in the PRP group cited in the subject letter.
4. Remediation activities, which generated nearly all of the volume shipped to Clayton Chemical, were coordinated, observed, approved by the IEPA, IEMA, and the City of Belleville.

In closing, Roesch welcomes any comments you may have regarding this letter. Our technical contact for the Clayton Chemical Soil Removal Action is:

Mr. Mike Koenigstein
Plant Manager
Roesch, Inc.
100 North 24th Street
Belleville, IL 62222
618-233-2760
618-233-1186 (fax)

Thank you for your consideration and we look forward to resolving this PRP issue.

Sincerely,

ROESCH, INC.



Mr. Mike Koenigstein
Plant Manager

cc: Roesch Pollution File; Tetra Tech, Inc. (Collinsville, IL)

TABLE 1 SUMMARY OF SHIPMENTS TO CLAYTON CHEMICAL						
Date	Manifest/ Documentation	Material	Roesch Amount (gallons)	IEPA Amount (gallons)	Difference (gallons)	
7/7/88	Invoice/IEPA Information	Diesel-contaminated wastewater (UST remediation)	2709	--	--	--
7/7/88	Invoice/IEPA Information	Diesel fuel and water	2350	--	--	--
Total 1988 Shipments		Diesel-contaminated wastewater	5059	4709	350	Difference due to TSD recovery. Approximat in Roesch invoice reco considered hazardous
1/11/89	IEPA Manifest #2121999	Diesel-contaminated wastewater from UST remediation	2980	--	--	--
1/11/89	IEPA Manifest #2122000	Diesel-contaminated wastewater from UST remediation	2230	--	--	--
1/12/89	IEPA Manifest #2122001	Diesel-contaminated wastewater from UST remediation	1650	--	--	--
1/18/89	IEPA Manifest #2122004	Diesel-contaminated wastewater from UST remediation	1557	--	--	--
1/18/89	IEPA Manifest #2122018	Diesel-contaminated wastewater from UST remediation	2800	--	--	--
1/19/89	IEPA Manifest #2121998	Diesel-contaminated wastewater from UST remediation	2170	--	--	--
Total 1989 Shipments		Diesel-contaminated wastewater from UST remediation	13,387	14,863	1476	Difference due to TSD recovery/recycle. The product that could be c recovery/recycle.
1992	IEPA Records	Pure product (diesel fuel) (but probably diesel- contaminated wastewater from site retention pond)	--	800	800	Difference due to TSD recovery/recycle. The product that could be c recovery/recycle.
						Total Pure Product (1 1988 = 2350 gallons 1989 = 1476 gallons 1992 = 800 gallons TOTAL = 4626 gallo Clayton or 23%)